

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District  
FILE NUMBER: MVP-2007-1216-RMG  
PROJECT MANAGER: Rebecca Gruber

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: April 6, 2007  
At the project site? Y ☐ N ☐ Date:

### **PROJECT LOCATION INFORMATION:**

State: Wisconsin  
County: Washington  
Center coordinates of site by latitude & longitude: 43.3877, -88.1019 (NAD83)  
Approximate size of site/property (including uplands) in acres: 34 acres  
Name of waterway or watershed: Milwaukee

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands				5.6 ac.					
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A Wetland Delineation was received on 3/9/2007 from Natural Resource Consulting for Corps concurrence and Jurisdictional Determination. After reviewing data sheets, USDA soil surveys, wetland inventory maps and aerial photographs the Corps have found that Wetlands 1,2 and 4 are isolated. There are no surface water resources that are adjacent or tributary to a water of the US. No interstate commerce connections were found. These wetlands are therefore not subject to regulation by the Corps of Engineers.

The wetland delineated as W-3 is connected (via culvert) to wetlands containing a tributary to the Milwaukee River, a navigable water of the US. This wetland is subject to Corps of Engineers jurisdiction. .